

SENATE BILL NO. 236

INTRODUCED BY F. THOMAS

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO BUILDING CODE
5 JURISDICTION; REVISING THE PROCEDURE TO CREATE A COUNTY JURISDICTIONAL AREA;
6 ELIMINATING THE PROVISIONS FOR VOTING BY RECORD OWNERS OF REAL PROPERTY; ELIMINATING
7 THE WRITTEN PROTESTS AGAINST CREATION OF A DISTRICT; RETROACTIVELY ELIMINATING THE
8 REQUIREMENT FOR A SPECIAL ELECTION ON A MUNICIPAL JURISDICTIONAL AREA CONTINUED
9 BEYOND MUNICIPAL BOUNDARIES; AUTHORIZING A MUNICIPALITY THAT HAD A JURISDICTIONAL
10 AREA BEYOND THE MUNICIPAL BOUNDARY TO CONTINUE TO ENFORCE BUILDING CODE
11 REQUIREMENTS IN THAT EXTENDED AREA UNTIL OCTOBER 1, 2003; AMENDING SECTIONS 13-19-106,
12 50-60-310, AND 50-60-311, MCA; REPEALING SECTIONS 50-60-312, 50-60-313, AND 50-60-314, MCA; AND
13 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 **Section 1.** Section 13-19-106, MCA, is amended to read:

18 **"13-19-106. General requirements for mail ballot election --exception for county building code**
19 **jurisdiction election.** A mail ballot election must be conducted substantially as follows:

20 (1) Official ballots must be prepared and all other initial procedures followed as otherwise provided by
21 law, except that mail ballots are not required to have stubs.

22 (2) ~~(a) Except as provided in subsection (2)(b), an~~ An official ballot must be mailed to every qualified
23 elector of the political subdivision conducting the election.

24 ~~(b) In an election to determine whether to adopt a building code enforcement program within a county~~
25 ~~jurisdictional area, as defined in 50-60-101 and designated by a board of county commissioners pursuant to~~
26 ~~50-60-310, an official ballot must be mailed to every record owner of real property in the county jurisdictional~~
27 ~~area.~~

28 (3) Each return/verification envelope must contain a form prescribed by the secretary of state for the
29 elector to verify the accuracy of the elector's address or notify the election administrator of the elector's correct
30 mailing address and to return the corrected address with the voted ballot in the manner provided by 13-19-306.

1 (4) The elector shall mark the ballot at home and place it in a secrecy envelope.

2 (5) The elector shall then place the secrecy envelope containing the elector's ballot in a
3 return/verification envelope and shall return it by mailing it or delivering it in person to a place of deposit
4 designated by the election administrator so that it is received before a specified time on election day.

5 (6) Once returned, election officials shall first qualify the submitted ballot by examining the
6 return/verification envelope to determine whether it is submitted by a qualified elector who has not previously
7 voted.

8 (7) If the ballot qualifies and is otherwise valid, officials shall then open the return/verification envelope
9 and remove the secrecy envelope, which is then voted by depositing it unopened in an official ballot box.

10 (8) After the close of polls on election day, voted ballots must be counted and canvassed as otherwise
11 provided by law."

12

13 **Section 2.** Section 50-60-310, MCA, is amended to read:

14 **"50-60-310. Designation of county jurisdictional area for county building code.** ~~(1)~~ To designate
15 a county jurisdictional area for a county building code, the board of county commissioners:

16 ~~(a)~~(1) shall pass a resolution of intent to adopt the county jurisdictional area;

17 ~~(b)~~(2) shall give notice to the public as provided in 7-1-2121. The notice must state:

18 ~~(i)~~(a) the time and place of the public hearing;

19 ~~(ii)~~(b) the boundaries of the proposed county jurisdictional area; and

20 ~~(iii) the procedures and deadlines for filing a written protest; and~~

21 ~~(iv)~~(c) that a map and description of the boundaries of the proposed county jurisdictional area ~~and the~~
22 ~~names and addresses of the owners of real property in the proposed county jurisdictional area~~ are on file for
23 public inspection at the office of the county clerk and recorder.

24 ~~(e)~~(3) shall hold a public hearing no earlier than 30 days or later than 90 days after passage of the
25 resolution of intent;

26 ~~(d)~~(4) at the public hearing:

27 ~~(i)~~(a) shall ~~accept written protests from owners of real property in the proposed county jurisdictional~~
28 ~~area; and~~

29 ~~(ii) must~~ receive general protests and comments relating to the designation of the boundaries of the
30 proposed county jurisdictional area; and

